

IN THE UNITED STATES DISTRICT COURT
Southern District of Indiana
Terre Haute Division

TRANSGUARD INSURANCE)
COMPANY OF AMERICA, INC., as)
Subrogee of C.W. Baker Logistics, Inc.,)
Carey Wayne Baker, Ian Windom, and) Case No. 1:23-cv-00041-
CRST Specialized Transportation, Inc.,)
Plaintiff,)
v.)
LUX HOLDINGS, LLC and)
EMMANUEL RAMOS,)
Defendants.)

DEFENDANTS' NOTICE OF REMOVAL

Defendants, Lux Holdings, LLC and Emmanuel Ramos, by counsel, file notice of the removal of this cause to the United States District Court for the Southern District of Indiana, Terre Haute Division, from the Clay County (Indiana) Circuit Court, Cause No. 11C01-2211-CT-000879. In support thereof, Defendants state:

1. Lux Holdings, LLC and Emmanuel Ramos are Defendants in an action now pending in the Clay County (Indiana) Circuit Court under Cause No. 11C01-2211-CT-000879.
2. Defendants file their Notice of Removal, pursuant to 28 U.S.C. § 1446.

3. Transguard Insurance Company of America is an Illinois Corporation listed with the Illinois Department of Insurance. Transguard Insurance Company of America Corporation was and is a citizen of the State of Illinois at all relevant times.

4. Defendant Lux Holdings, LLC is a Pennsylvania limited liability company, and its principal place of business is in Pennsylvania. No member of Lux Holdings, LLC is itself a limited liability company. Lux Holdings, LLC is a privately held company by Jeffrey Marmur and Arthur Aznavoryan. Jeffrey Marmur and Arthur Aznavoryan are both citizens of the Commonwealth of Pennsylvania. Lux Holdings, LLC was and is a citizen of the Commonwealth of Pennsylvania at all relevant times.

5. Defendant Emmanuel Ramos was and is a citizen of the Commonwealth of Pennsylvania at all relevant times.

6. The Complaint brought by Plaintiff alleges that on March 10, 2021, Emmanuel Ramos, in the course of his employment with Lux Holdings, LLC, negligently operated a tractor/trailer causing it to collide with the tractor operated by Plaintiff's insured, Carey W. Baker, resulting in Baker's death and severe injury to his co-driver and passenger, Ian Windom. Plaintiff alleges that it has incurred damages in the amount of \$150,994.56 for which Plaintiff became obligated under the policy issued to its insured, CRST Specialized Transportation, Inc. Plaintiff further alleges that it remains obligated under a Policy of Occupational Accident Coverage issued to Carey W. Baker, with payments totaling \$37,000.00, under which additional payments may be made,

and under a Policy of Occupational Accident coverage issued to Ian Windom, for payments including related medical expenses, lost income, and other damages, with payments totaling \$746,860.21, under which additional payments may be made. Therefore, undersigned counsel has a good faith belief that the amount in controversy exceeds \$75,000, exclusive of interest and costs.

7. Defendants desire and consent to the removal of this cause from the state court to the United States District Court for the Southern District of Indiana, pursuant to 28 U.S.C. § 1332(a)(1) and § 1441(a).

8. Pursuant to 28 U.S.C. § 1446(b), all Defendants consent and join in this removal, and Defendants have provided notice of the removal of this cause to the Clay County (Indiana) Circuit Court in accordance with 28 U.S.C. § 1446(d). *See Exhibit 1, State Court Record.*

9. Defendants verify that the State Court Record submitted herewith is complete as of the date of removal and contains copies of all pleadings, motions, orders, and all other filings, organized in chronological order by the date of filing, in accordance with 28 U.S.C. § 1446(a). *See Exhibit 1, State Court Record.* In addition to being included in the State Court Record, a copy of the operative Complaint is also provided as a separate attachment. *See Exhibit 2.*

Respectfully submitted,

TRAVELERS STAFF COUNSEL INDIANA

By: /s/ Francis A. Veltri
Francis A. Veltri, 27495-64

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was filed electronically using the Case Management/Electronic Case Files (“CM/ECF”) system and served via the CM/ECF system upon registered counsel of record on **January 6, 2023**.

I further certify that the foregoing document was served via email upon the following parties on **January 6, 2023**:

Linda H. Clare
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By: /s/ Francis A. Veltri
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